

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 12 - 3568

JULIANE SHARIRE on behalf of herself and
all other similarly situated consumers

Plaintiff,

KUNTZ, J.

-against-

ALLIED INTERSTATE, LLC

Defendant.

2012 JUL 18 PM 2:30
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

FILED
CLERK

CLASS ACTION COMPLAINT

SUMMONS ISSUED

Introduction

1. Plaintiff Juliane Sharire seeks redress for the illegal practices of Allied Interstate, LLC. in which it unlawfully engaged in the collection of consumer debts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA").
2. Plaintiff is a citizen of the State of New York who resides within this District.
3. Plaintiff is a consumer as that term is defined by Section 15 U.S.C. 1692(a)(3) of the FDCPA.
4. The alleged debt that Defendant sought to collect from the Plaintiff involves a consumer debt purportedly owed to DIRECTV, Inc.
5. Upon information and belief, Defendant's principal place of business is located within New York, New York.

6. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.
7. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

Jurisdiction and Venue

8. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as the acts and transactions that give rise to this action occurred, in substantial part, within this district.

Allegations Particular to Juliane Sharire

10. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
11. On or about July 19, 2011 and October 6, 2011, Defendant sent the Plaintiff collection letters seeking to collect a balance allegedly incurred for personal purposes.
12. Said letters stated in pertinent part as follows: “We are a debt collection company and our client, DIRECTV, Inc., has retained us to collect the debt noted above”....”We urge you to make this payment promptly. If you fail to do so, we will have no choice but to continue taking further actions to ensure our client is paid.”
13. Said language is a threat to take unintended legal action.
14. Defendant has engaged in a continuously deceptive and falsely threatening pattern of misconduct by threatening to take action against Plaintiff including the sending of an additional collection letter to Plaintiff such as the above letters, dated June 13, 2011,

though the statute of limitations have passed for the said June 13th letter.

15. Defendant does not commonly file suits at or about the amount of the Plaintiff's debt which is alleged to be \$319.72.
16. Defendant violated §§ 1692e(5) and 1692e(10) of the FDCPA by threatening to take action against Plaintiff even though Defendant has not and does not intend to take such action, and for deceptive practices inter alia that the language could be interpreted in more than one fashion, one of which is false.

AS AND FOR A FIRST CAUSE OF ACTION

*Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of herself
and the members of a class, as against the Defendant.*

17. Plaintiff re-states, re-alleges, and incorporates herein by reference, paragraphs one (1) through sixteen (16) as if set forth fully in this cause of action.
18. This cause of action is brought on behalf of Plaintiff and the members of a class.
19. The class consists of all persons whom Defendant's records reflect resided in the State of New York and who received collection letters from Defendant's representatives within one year prior to the date of the within complaint up to the date of the filing of the complaint; (a) the letter was sent concerning the seeking payment of an alleged debt and was not returned or undelivered by the post office; and (b) the Defendant threatened to take any action that cannot legally be taken or that is not intended to be taken by Defendant in violation of 15 U.S.C. §§ 1692e(5) and 1692e(10).
20. Pursuant to Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:

- (a) Based on the fact that form collection letters are at the heart of this litigation, the class is so numerous that joinder of all members is impracticable.
 - (b) There are questions of law and fact common to the class and these questions predominate over any question(s) affecting only individual class members. The principal question presented by this claim is whether the Defendant violated the FDCPA.
 - (c) The only individual issue involves the identification of the consumers who received such collection letters (*i.e.* the class members). This is purely a matter capable of ministerial determination from the records of the Defendant.
 - (d) The claims of the Plaintiff are typical of those of the class members. All of the respective class claims are based on substantially similar facts and legal theories.
 - (e) The Plaintiff will fairly and adequately represent the class members' interests. The Plaintiff has retained counsel experienced in bringing class actions and collection abuse claims. The Plaintiff's interests are consistent with those of the members of the class.
21. A class action is superior for the fair and efficient adjudication of the class members' claims. Congress specifically envisions class actions as a principal means of enforcing the FDCPA. 15 U.S.C. 1692(k). The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of

inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

22. If the facts are discovered to be appropriate, the Plaintiff will seek to certify a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
23. Collection attempts, such as those made by the Defendant are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

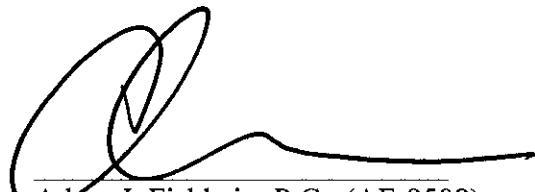
Violations of the Fair Debt Collection Practices Act

24. The Defendant's actions as set forth above in the within complaint violates the Fair Debt Collection Practices Act.
25. Because the Defendant violated of the Fair Debt Collection Practices Act, the Plaintiff and the members of the class are entitled to damages in accordance with the Fair Debt Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in Plaintiff's favor and against the Defendant and award damages as follows:

- (a) Statutory damages provided under the FDCPA, 15 U.S.C. 1692(k);
And
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and
- (c) Any other relief that this Court deems appropriate and just under the circumstances.

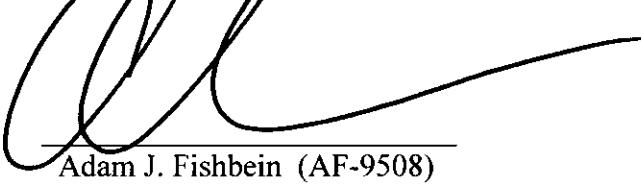
Dated: Cedarhurst, New York
July 18, 2012



Adam J. Fishbein, P.C. (AF-9508)

Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791-4400
Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)



800-935-5152

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June 13, 2011

Juliane Sharire
7124 72Nd Pl
Glendale, NY 11385-7337

Re: Directv Account No.
Amount Owed: \$319.72
Debt Purchaser: DIRECTV, Inc. Account No. 68189355

Juliane Sharire:

We are a debt collection company and our client, DIRECTV, Inc., has retained us to assist it in the collection of the debt noted above.

To make a payment, please telephone us at 800-935-5152 or mail your payment, made payable to DIRECTV, Inc., to us using the coupon on the reverse side of this letter. We process checks electronically, and your checking account will be debited on the day we receive your payment. Your check will not be returned.

The purpose of this letter is to collect this debt, and we will use any information we obtain for that purpose. If you believe that you do not owe all or any portion of the debt, you need to notify us within 30 days after receiving this letter. If you do not, we will assume the debt is valid. If you notify us in writing within 30 days after receiving this letter that you dispute the validity of any portion of this debt, we will obtain verification of the debt, or a copy of a judgment against you, and mail it to you. If you provide a written request within 30 days after receiving this letter, we will provide you with the name and address of the original creditor, if different from the current creditor.

If you do not pay or dispute this debt within 40 days after the date of this letter, a negative credit report reflecting on your credit record may be submitted to a credit reporting agency.

We urge you to make this payment promptly. If you fail to do so, we will have no choice but to continue taking further actions to ensure our client is paid.

Sincerely,

Allied Interstate LLC

Nicole Cummins

SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION

3000 Corporate Exchange Drive, Columbus, OH
(Do not send payments or correspondence to this address)

We are a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Federal and state laws prohibit certain methods of debt collection, and require that we treat you fairly. You can stop us from contacting you by writing a letter to us that tells us to stop the contact. Sending such a letter does not make the debt go away if you owe it. Once we receive your letter, we may not contact you again, except to let you know that there won't be any more contact or that we intend to take a specific action.

If you have a complaint about the way we are collecting this debt, please write to us at P.O. Box 6123, Carol Stream, IL 60197-6123 email us at advocacygroup@allied-interstate.com, or call us toll-free at 800-811-4214 between 9:00 A.M. Central Time and 5:00 P.M. Central Time Monday – Friday.

The Federal Trade Commission enforces the Fair Debt Collection Practices Act (FDCPA). If you have a complaint about the way we are collecting your debt, please contact the FTC online at www.ftc.gov; by phone at 877-FTC-HELP; or by mail at 600 Pennsylvania Ave., NW, Washington, DC 20580.

New York City Department of Consumer Affairs license numbers: 1140302, 1173635, 1140115, 1140113, 1140304, 1140551, 1140555, 0933734, 1168335, 1140606, 1140607, 1140608, 1248312, 1248315.

Send all payments and correspondence to DIRECTV,
PO Box 78626, Phoenix, AZ 85062-8626

(Detach and return with payment)

P.O.Box 1954
Southgate, MI 48195-0954

5510264179561



0015776/0000001



Juliane Sharire
7124 72Nd Pl
Glendale, NY 11385-7337

DIRECTV
PO Box 78626
Phoenix, AZ 85062-8626

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WEST PALM BEACH

July 19, 2011

Juliane Sharire
7124 72Nd Pl
Glendale, NY 11385-7337

Re: DIRECTV, Inc. Account No. 68189355
Amount Owed: \$319.72

Juliane Sharire:

We are a debt collection company and our client, DIRECTV, Inc., has retained us to collect the debt noted above.

Our client has authorized us to accept payment in the amount of \$159.86 in settlement of this debt. You can take advantage of this settlement offer only if we receive your payment, or you make mutually acceptable payment arrangements, within 30 days from the date of this letter. After that time, we reserve the right to modify the settlement offer or revoke it in its entirety.

Payment of settlement amount does not make you eligible for reinstatement of DIRECTV service. To be eligible for reinstatement of service, you must pay your entire balance. Upon payment of the entire Amount Owed you may apply for reinstatement of service with DIRECTV.

To make a payment, please telephone us at 800-935-5152 or mail your payment to us using the coupon on the reverse side of this letter. We process checks electronically, and your checking account will be debited on the day we receive your payment. Your check will not be returned.

We urge you to make this payment promptly. If you fail to do so, we will have no choice but to continue taking further actions to ensure our client is paid.

Sincerely,

Allied Interstate LLC

Nicole Cummins

SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION

3000 Corporate Exchange Drive, Columbus, OH
(Do not send payments or correspondence to this address)

We are a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Federal and state laws prohibit certain methods of debt collection, and require that we treat you fairly. You can stop us from contacting you by writing a letter to us that tells us to stop the contact. Sending such a letter does not make the debt go away if you owe it. Once we receive your letter, we may not contact you again, except to let you know that there won't be any more contact or that we intend to take a specific action.

If you have a complaint about the way we are collecting this debt, please write to us at P.O. Box 6123, Carol Stream, IL 60197-6123 email us at advocacygroup@allied-interstate.com, or call us toll-free at 800-811-4214 between 9:00 A.M. Central Time and 5:00 P.M. Central Time Monday – Friday.

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New York City Department of Consumer Affairs license numbers: 1140302, 1173635, 1140115, 1140113, 1140304, 1140551, 1140555, 0933734, 1168335, 1140606, 1140607, 1140608, 1248312, 1248315.

Send all payments and correspondence to DIRECTV,
PO Box 78626, Phoenix, AZ 85062-8626

(Detach and return with payment)

P.O.Box 1954
Southgate, MI 48195-0954

5510264179561



0022313/0000001



Juliane Sharire
7124 72Nd Pl
Glendale, NY 11385-7337

DIRECTV
PO Box 78626
Phoenix, AZ 85062-8626





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PHOENIX
TORONTO
WEST PALM BEACH

October 6, 2011

Juliane Sharire
7124 72Nd Pl
Glendale, NY 11385-7337

Re: DIRECTV, Inc. Account No. 68189355
Amount Owed: \$319.72

Juliane Sharire:

We are a debt collection company and our client, DIRECTV, Inc., has retained us to collect the debt noted above.

On behalf of our client, we are willing to accept payment in the amount of \$159.86 in settlement of this debt. You can take advantage of this settlement offer only if we receive your payment, or you make mutually acceptable payment arrangements, within 30 days from the date of this letter. We are not obligated to renew this offer.

Payment of the settlement amount does not make you eligible for reinstatement of DIRECTV service. To be eligible for reinstatement of service, you must pay the entire Amount Owed. Upon payment of that amount, you may apply for reinstatement of service with DIRECTV.

To make a payment, please telephone us at 800-935-5152 or mail your payment to us using the coupon on the reverse side of this letter. We process checks electronically, and your checking account will be debited on the day we receive your payment. Your check will not be returned.

We urge you to make this payment promptly. If you fail to do so, we will have no choice but to continue taking further actions to ensure our client is paid.

Sincerely,

Allied Interstate LLC

Nicole Cummins

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